

CITY COUNCIL MINUTES

City Council Chambers, 4:00 P. M.
Tuesday, May 11, 1965

Council met in regular session. Present on roll call 8: Bott, Cvitanich, Finnigan, Haley, Herrmann, Johnson, Murtland and Price. Absent 1: Mayor Tollefson. Mayor Tollefson arriving at 4:10 P. M.

In the absence of Mayor Tollefson, Deputy Mayor Herrmann presided.

Mr. Finnigan moved that the minutes of the meeting of April 27, 1965 be approved as submitted. Seconded by Mr. Haley. Voice vote taken. Motion carried.

Mayor Tollefson arriving at this time and assuming the chair.

Mr. Charles Zittel, Chief of Police, presented awards to Air Force Staff Sgt. Chester Wade, William Warren, Michael Sordelet, John Rasmussen and Gary Campbell, who helped in apprehending criminals during the past year.

Detective William W. Laebke also received an award of the Police Medal of Valor.

Chief Zittel stated this was the first time that a medal of valor had been awarded to anyone.

Mayor Tollefson and City Manager, David D. Rowlands, congratulated the five recipients as well as Detective Laebke for their outstanding courage involving risk of personal injury.

HEARINGS & APPEALS:

This is the date set for hearing on the petition submitted by Northern Properties Inc. requesting the rezoning of property located at the N. W. corner of So. 19th and Prospect from an "R-2" to a "C-1" District.

Mr. Buehler, Director of Planning, stated this property is being sold to a new owner and they have requested that the property be rezoned to a "C-1" District as it is classified now as a nonconforming use. They feel that the food store contemplated fulfills the needed service for the surrounding area.

Mr. Finnigan asked if this building had been rebuilt in a nonconforming zone.

Mr. Buehler explained this was a remodeling permit rather than a new building permit.

Mr. Cvitanich asked if a service station could be constructed in a "C-1" zone.

Mr. Buehler stated that could be possible.

Mr. Murtland said he didn't feel there was a need to rezone this property as the grocery store could continue operating under this zone. He asked for more detailed information.

Mr. Buehler stated, they did not plan to expand, but this was for mortgage protection purposes, as the building cannot be financed for the new buyer because of the nonconforming use.

Mr. Jim Griffin, owner of Northern Properties, said the request for financing was for the equipment in the building.

Mayor Tollefson explained the Council was concerned due to the fact this area should be residential. This store started from a small grocery and has enlarged, and now, the request is to rezone the corner, which is a stepping stone for further expansion within a residential zone.

Mr. Bott said, that an opinion from the Legal Dept. submitted in another instance similar to this, stated they could utilize this property for any other use within the same category, and with this interpretation, they could presently include any type of business which would come under a "C-1" zone.

Mayor Tollefson asked Mr. McCormick, City Attorney, to give his opinion on this particular matter.

Mr. McCormick stated the regulations in the zoning code are very clear. Under 13.06, 370 of the zoning code it states, "If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification whenever a use of a building becomes nonconforming by reason of a subsequent change in the zoning ordinance, such use may be continued and if no structural alterations are made, it may be changed to another nonconforming use of the same or a more restricted classification.

An existing building occupied by a nonconforming use, shall not be enlarged or extended unless such enlargement, extension or altered portion is made to conform to the height, area, parking and loading regulations of the district in which such building is located." He added, it was his understanding from this language that if the operation of a store which is in a "C-1" classification, if no structural alterations are made, it can be converted not only to a grocery store but to any other use in a "C-1" classification.

Mr. Finnigan moved to deny the application of Northern Properties Inc. to rezone the property located at the NW corner of So. 19th and Prospect. Seconded by Mr. Cvitanich.

Mrs. Price asked if there were any other grocery stores close to this congested area.

Mr. Buehler said the closest stores are on So. 12th and Union Ave. and So. 12th and Prospect.

Mrs. Price felt this request would serve a need to the general area.

Dr. Herrmann stated, nothing could be accomplished by voting this down as the request is only to facilitate the financing of this property to make it easier for the new owners.

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Mrs. Price moved to amend Mr. Finnigan's motion, that the hearing be held over for one week, until Tuesday, May 18, 1965. Seconded by Mr. Bott. Roll call was taken on the motion. Ayes 6; Nays 3, Cvitanich, Finnigan and Mayor Tollefson. Motion carried.

Mr. Rowlands stated that Tacoma's zoning ordinances in this particular instance, are much weaker than most other cities throughout the country. In a number of cities they have given the property owner a fixed number of years in which to amortize their investment and eliminated automatically the nonconforming use.

PETITIONS:

a. Petition from William B. Bailey requesting the rezoning of property located at 7215 So. Park Ave. from a "C-1" to a "C-2" District.

b. Petition from L. R. Edwards requesting the rezoning of property located at McMurray Road, 38th Ave. N. E. & Browns Pt. Blvd. from an "R-2" to an "R-4-L" District.

c. Geo. D. Poe & Co. requesting the rezoning of property located on the north side of No. 33rd and west of Shirley St. from an "R-2" to an "R-4" District.

Referred to the Planning Commission.

RESOLUTIONS :

Resolution No. 18296

Authorizing the City Manager to make and formulate a plan for the making of a survey to determine the nature and extent of damage to buildings in the City caused by the earthquake.

Mr. Haley moved that the Resolution be adopted. Seconded by Mr. Cvitanich.

Mr. Finnigan asked what has been done regarding the inspection of the damage to buildings up to this time.

Mr. Les Gillis, Building Supervisor, stated the architects have been taking photographs of the damaged buildings.

Mr. Rowlands said that MC-455 submitted with Ordinance No. 17839 is in connection with this discussion. He added, there are at least ten buildings that have been recommended for upper story removal because of the damage in the lower Pacific Ave. and lower Broadway areas, as the masonry could fall onto the sidewalk and street in a very short period of time.

Mr. Marshall Perrow, representing the American Institute of Architects, stated, they have taken 144 photographs which are indexed and cataloged block by block, noting the damaged areas. These are located from So. 13th to 17th Sts. from Pacific Ave. to Court C. This will be the format to setup the pattern.

The location, condition, etc. of the buildings will be recorded on a form and filed for further use at a later date. He added, all commentaries were taken on tape recorders by the section crews in the field and this will also be on file for further use. At this time 38 doublefaced buildings have been inspected, papers filed and the total cost incurred to date, including professional services is \$1182.00.

Mr. C. Donald Johnson, representing the Structural Engineers, stated the one problem is that some of these buildings were built before the turn of the century. Because of the lime-mortar that was used in the 1890's many buildings have been sufficiently damaged that if another earthquake comes, many will fall. He felt the immediate problem is smoke stacks that are in bad condition. All parapet walls should also come down. The old buildings that have been maintained are in fair condition but the older buildings that have not been maintained are structurally unsound.

Mr. Finnigan thanked Mr. Perrow and Mr. Johnson for their report.

Mrs. Baken, property owner of 1539 Broadway, stated bricks were falling in her area and she felt something should be done immediately.

Mr. Cvitanich asked that Mr. Gillis give his report on the progress.

Mr. Gillis stated there are several situations to consider, but particularly there are individual loose bricks and stones which can fall into the street. This condition is prevalent throughout the downtown business district. He felt that only through mass meetings the City will be able to urge people to remove these hazards individually. He added, that damage was sustained at the Old City Hall as well as at the City dock; throughout all of the area, loose parapets were noted.

Mr. Rowlands stated they hope to have sufficient time to make corrections to prevent any major damage before another earthquake.

Mr. Gillis stated his office is proceeding with "dangerous building" condemnation notices against the owners of several structures in the lower Pacific area which constitute a hazard in the opinion of the survey team.

Mr. Rowlands stated, under the Civil Defense and Urban Renewal Program an office for emergency planning has been set up. After the earthquake in Alaska that area was declared an emergency disaster area. Congress passed legislation which made it possible to contribute 90% of the cost to be borne by the Federal Government. He added, he proposes to thoroughly study the possibility of expanding the Urban Renewal project to include the area, although he acknowledged that the principal problem would be raising the City's one-third share of the cost of clearing the area under the federal program. He also said he may request the Army Corps of Engineers to aid the City in tearing down dangerous walls as it would be difficult for the City to contribute their one-third share under normal circumstances, but inasmuch as this is known as a G N R P area, the City might be able to take advantage of this over the next ten years.

Mr. Cvitanich asked "why should the taxpayers pay the bill when it's the responsibility of the private owners?" The City's dangerous building code permits the City in the absence of action by the property owners, to demolish structures judged unsafe and assess the costs against the property.

Marshall McCormick, City Attorney, said the legality of the ordinance has not been tested in court. He added, there might be practical problems in collecting demolition costs.

Mayor Tollefson asked if the City employees could, as part of the survey, remove a few bricks which pose obvious dangers.

Mr. McCormick said he felt sure the City would have the right to protect its sidewalks in this manner.

Mr. Gillis said that in most instances the removal of loose bricks and stones would be a simple matter, but in a number of cases the property owners, some of which are non-residents, have failed to do anything about them.

Mr. Murtland asked if the City has any legal liability now that the property owners are cognizant of the danger if someone is injured.

Mr. McCormick said it is the owners primary responsibility.

Mr. Rowlands asked direction from the City Council to explore the area between 13th and 17th Sts. between Pacific Ave and Court C to determine what procedure to follow, and he would then submit a report at next week's meeting.

The Resolution passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 18297

Awarding contract to Woodworth & Co. Inc. on its bid of \$151,111.63 for Improvement No. 2361.

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Murtland.

The Resolution passed unanimously by voice vote.
Ayes 9; Nays 0; Absent 0.

Resolution No. 18298

Fixing Tuesday, June 1, 1965 at 4:00 P. M. as the date for hearing on the construction or reconstruction of sidewalks and driveways in various parts of the City.

Mr. Cvitanich moved that the Resolution be adopted. Seconded by Dr. Herrmann.

The Resolution passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1, Haley (temporarily)

Resolution No. 18299

Fixing Tuesday June 8th at 4:00 P. M. as the date for hearing on the vacation of property of the alley between Pacific Ave. & A St. from So. 21st to So. 22nd St. (petition of Edward J. Gazecki)

Mrs. Price moved that the Resolution be adopted. Seconded by Mr. Johnson.

The Resolution passed unanimously by voice vote.
Ayes 8; Nays 0; Absent 1. Haley (temporarily)

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FIRST READING OF ORDINANCES:

Ordinance No. 17840

Vacating a portion of Highland St. between So. 11th and 12th Sts. and the alley immediately east thereof. (petition of Lester R. Rhea)

The Ordinance was placed in order of final reading.

Ordinance No. 17841

Vacating the south side of So. 4th St. between J & K Sts. (petition of Tacoma General Hospital)

The Ordinance was placed in order of final reading.

Ordinance No. 17842

Amending Section 2. 01. 010 by adding two new subsections (J) and (K) and repealing subsection (d) of Section 2. 01. 080 relating to buildings, parapet walls, cornices, etc.

The Ordinance was placed in order of final reading.

Ordinance No. 17843

Amending Title 11 of the official Code relating to Traffic control and parking on City Streets.

Mr. Rowlands stated that approximately every 6 months the Traffic Ordinance is revised.

Mr. Schuster, Director of Public Works, explained that one correction should be made at the bottom of Page 4, under Section 11. 28. 220 where it states, "One Hour Parking--Zones Designated," should be changed to "Two Hour Parking."

Dr. Herrmann moved that the word "One" be changed to "Two".

Seconded by Mr. Johnson Voice vote taken. Motion carried.

FINAL READING OF ORDINANCES:

Ordinance No. 17838

Amending Sub-section 1. 12. 140-D and Sec. 1. 12. 219 , 330, 345, 360 & 490 of the official Code to reflect current practices and establishing a new Traffic Engineering Classification.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

Ordinance No. 17839

Appropriating the sum of \$10,000 or so much thereof as may be necessary for the purpose of retaining expert professional help in making a survey to determine the extent of earthquake damage to certain buildings & structures in the City, and declaring an emergency making necessary the immediate passage and immediate effect of the ordinance.

Mr. Rowlands stated a meeting was held Monday with representatives of four organizations being present; the American Institute of Architects, Structural Engineers Association, the American Society of Civil Engineers and the Washington Society of Professional Engineers. It was felt that the appropriation of \$10,000 would be in order. All expenditures are being accounted for and it is hoped that this will be reimbursed as this is over and above the Building Inspection Division's responsibilities, due to the emergency. This team has been working together to protect the City's interest in safeguarding the public.

Mayor Tollefson wondered on a liberal interpretation of the ordinance if it would be possible to repair the building owned by Mrs. Baken, which was mentioned at the beginning of the meeting, to remove the parts that are dangerous for the purpose of safety.

Marshall McCormick said he thought it would be up to the City Council if they are willing to make minor repairs, however, for their own protection they would have to get permission from the owners of the property.

Roll call was taken on the Ordinance resulting as follows:

Ayes 9; Nays 0; Absent 0.

The Ordinance was declared passed by the Chairman.

UNFINISHED BUSINESS:

The Director of Public Works presents the following assessment rolls for the cost of the following improvements:

L I D 3574 for sanitary sewers on So. 39th from Pine to Prospect and other streets.

L I D 4749 for paving of alley between Park & Yakima Ave., So. 46th; So. 48th between K & L and So. 23rd to So. 25th Sts.

L I D 4748 for paving of alley between No. 36th & 37th from Madison to Monroe and between L & M from No. 7th to No. 8th Sts.

Mrs. Price moved that Monday, June 14, 1965 at 4:00 P. M. be set as the date for hearing on the assessment rolls for L I D 3574, L I D 4749 and L I D 4748. Seconded by Mr. Haley. Voice vote taken. Motion carried.

Mr. Bott called attention of the Council to the widely separated areas in an L I D. He stated a property owner does not have an opportunity to obtain sufficient signatures against an L I D when it is set up in this manner.

Mayor Tollefson explained, generally speaking the L I D Committee as well as the City Council eliminates those particular areas where there is an overwhelming opposition.

ITEMS FILED IN THE OFFICE OF THE CITY CLERK:

- a. State Auditor's report on Garbage and Refuse Div. of the Public Works Dept. for 1963 and 1964.
- b. Report from the Planning Dept. for the month of April 1965.
- c. 76th Annual Report from the Fire Dept. for 1964.

COMMENTS:

Mr. Rowlands stated, as a result of Monday's tour of the Port Industrial Development District, he felt the City Council understood that the roadway around the waterway to be extended should be fairly well completed when the cutoff is finished. He added, the Port officials have indicated in a letter of a year ago, their intent to install a temporary trestle to keep Lincoln Ave. in use while the Port Industrial Waterway extension is being dredged. He noted that the State had retained a traffic engineer from St. Louis to make the second study and it should take from six to eight months to be completed. 245
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Mr. Schuster stated that the Puget Sound Transportation Study report should be ready in a week or two and this will provide the material for a specialized study of the Tideflats route to be financed by the State.

Mayor Tollefson said he did not think the Council should hold the Port officials to a \$75,000 trestle if they find that the Port has provided an adequate route around the waterway extension, and suggested that the Council wait and see how the circle route works out.

Mr. Rowlands stated that House Bill No. 608 has been transmitted to the Governor for his signature. He felt that everyone should realize that the \$59,000,000 increase in the State budget completely ignored the needs of the Cities and Towns, even though many of the Legislators promised City officials that they would never have a sales tax increase without including the Cities in a portion of the sales tax increase. He continued, the Council members understand that there was not an opportunity to amend HB No. 608 on the floor. The Caucus committee put the bill together and it was super-secretive as Jack Pyle, the News Tribune's political writer, did not get a copy of the bill. It was found today that they excluded a 1961 law which permitted the State to tax golfcourses, bowling alleys, etc. but if the City and County had admission taxes, they came first, but this is now excluded. We must prevail upon the Governor to amend the bill or the City stands to lose another \$40,000 which was

anticipated in our budget for next year. He felt the Legislators were unfair and unreasonable in this situation.

Mr. Rowlands stated that the toll removal from the Narrows Bridge is probably in this bill, but no one has been notified at the present time.

Mr. Finnigan stated the Port should be complimented on what they are trying to accomplish and the long range program as set up adheres very closely to the survey of 1955. However, he stated he was aware that the Port officials no longer believe that it is practical for them to build the \$75,000 trestle which they estimate would be in use for only one or two years; but it would save industries and motorists about \$250,000. 254

Mr. Finnigan, continued, he has reviewed a number of reports given to the Council in the last few years and since February 10, 1965, which was previous to a number of plants moving into the area, the traffic volume has increased considerably. He felt the Council should be aware of a very strong need for a better highway system than has been proposed in that area as a tremendous load of traffic now exists on 11th Street. He thought the City should meet with the Port Commission, State Officials, etc. and develop a plan for better highway access across this area, as it will benefit all of the people in the community. 318

Mr. Johnson felt they should begin working out a plan and begin to implement it as quickly as possible to provide a better flow of vehicular traffic across the tideflats.

Mayor Tollefson stated the Puget Sound Transportation study will determine the flow of traffic then the Public Works engineering staff will work in conjunction with the State to determine the best location of a high level bridge which would be necessary to cross that particular area.

Mr. Rowlands explained that the study should be ready in the next two weeks and will provide the raw material for a specialized study of the cross tideflats route.

Mr. Schuster remarked that the City, State and Port will have a long range plan to work toward. He said there are various alternatives for crossing the industrial area, bridges, tunnels or whatever, after the study then they will proceed, as they should have some of these answers to numerous questions.

Mayor Tollefson said they can keep pushing for the information needed by the City so they can make their plans and be ready to go ahead as soon as possible.

Mr. Haley asked that the old City Hall be inspected to determine the earthquake damage, keeping in mind that it be repaired without disturbing the building's florentine architecture.

There being no further business to come before the Council, upon motion duly seconded and passed, the meeting adjourned at 7:10 P. M.

Ann Jolliffe
Mayor of the City Council

Attest: *Robine Weston*
City Clerk